**REMARKS**

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 7, 13, 15 and 16 are amended. Claims 1-16 are pending.

**I. Rejection under 35 U.S.C. § 112**

In the Office Action, at page 2, claims 1-16 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. Claims 1 and 7 are amended to more particularly clarify that the identifications that are compared are different identifications. Claims 15 and 16 were not amended with regard to the Examiner's comments as it is unclear as to what the Examiner refers with respect to claims 15 and 16. In particular, in claim 16, for example, only a single identification is referred to. Accordingly, withdrawal of the § 112, 2nd paragraph rejection is respectfully requested.

**II. Rejections under 35 U.S.C. § 103**

In the Office Action, at page 3, numbered paragraph 4, claims 1, 4-6 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,170,060 to Mott et al. in view of U.S. Patent No. 6,681,212 to Zeng. This rejection is respectfully traversed because the combination of the teachings of Mott and Zeng does not suggest:

> temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed;...
>
> storing the user computer identification temporarily stored within the virtual CD program in the downloaded virtual CD image file; [and]
>
> comparing the user computer identification temporarily stored within the virtual CD program with a second identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,

as recited in amended independent claim 1.

As a non-limiting example, the present invention according to claim 1, for example, is directed to a method of preventing an unauthorized use of a virtual CD image file. As recited at page 1, paragraph 0003, lines 8-12, the virtual CD image file is software that is provided in an image form of an original CD to be used with a virtual CD program so that the virtual CD can be downloaded through the Internet into the user's computer and be installed and executed using the virtual CD program without using an original, physical CD. An identification of a user

computer is temporarily stored within a virtual CD program when the virtual CD program is executed, the user computer identification that is temporarily stored within the virtual CD program is stored in a downloaded virtual CD image file, and then when the downloaded virtual CD image file is selected to be reproduced, the user computer identification that is stored within the virtual CD program is compared with an identification that is stored in the virtual CD image file.

Mott discusses a method and apparatus for targeting a digital information playback device in which a device ID is embedded in the playback device and a device ID is embedded in a digital information file. When the digital information file is received, the device ID is compared to that contained in the digital information file to determine whether the IDs match. Mott further discusses that public player and group IDs are sent by a client computer system 214 to a server 260, when the client computer system 214 desires to target a particular playback device 212, to a particular specified digital information, software content, or configuration data selection. Once an association is made by the client computer system 214 between a set of targeted public IDs and the associated data to be transferred **from** the server 260, library server 260 creates a targeted header for the selected files, which comprises a combination of a descrambling map 322 from the selected files with the private player IDs corresponding to the targeted mobile playback device 212. The targeted header is linked with the corresponding digital information or software content of the selected file in a network transport ready data block, which is sent to the client computer system 214 via network 240.

First, the Examiner alleges that Mott discusses "storing the identification temporarily stored within the virtual CD program in the downloaded virtual CD image file". The Applicants respectfully disagree. Mott discusses only that, at the server 260, the server 260 creates a targeted header which is linked with software content of a selected file that is associated with a set of targeted public IDs for a particular player 212, for example. Mott does not discuss storing an identification which is temporarily stored within a virtual CD program in a downloaded virtual CD image file. The server 260 particularly creates a targeted header using IDs that are linked with the software content that is to be transmitted to the client computer system 214 and then downloaded on the mobile playback device 212. Then, only the targeted mobile playback device 212 will be able to unscramble and read the data block.

Mott does not discuss that an identification that is temporarily stored within a virtual CD program is stored in a downloaded virtual CD image file. Mott does not discuss distinguishing between a virtual CD program and a virtual CD image file, and Mott does not suggest that an

identification is temporarily stored within a virtual CD program. Further, nowhere in Mott is there any discussion of temporarily storing the identification of the user computer within a virtual CD program when the virtual CD program is executed. Mott does not discuss this feature and the Examiner includes no reference to where Mott discusses that an identification of a user computer is stored in a virtual CD program when the virtual CD program is executed. Mott discusses only that the mobile playback device 212 includes a player ID 223, but does not discuss or suggest that the player ID is stored in a virtual CD program when the CD program is executed.

In addition, Mott does not discuss or suggest that an identification that is temporarily stored within a virtual CD program is stored in a downloaded virtual CD image file. Nowhere does Mott discuss that the player ID, for example, is stored from a virtual CD program to a downloaded virtual CD image file. Mott discusses unscrambling the data block with the descrambling block in its header with a private ID that is known by the mobile playback device 212 to be able to read the selected software content. Mott does not suggest that the private ID or a player ID is temporarily stored within a downloaded virtual CD image file.

Further, Mott does not suggest comparing the identification temporarily stored within a virtual CD program with a second identification that is stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced. In particular, the authentication technique used in Mott to authenticate that the playback device should be able to play the digital information file does not compare an identification stored within a virtual CD program with a second identification stored in a virtual CD image file when the downloaded virtual CD image file is selected to be reproduced. In the present invention of claim 1, for example, an identification number is tied to the computing device which is doing the downloading and if the identification number matches the computer identification number that was stored when the virtual CD program is executed, then the virtual CD image file can be made accessible by the downloading device.

Thus, only the computing device that originally executes the virtual CD program is able to access the virtual CD image file when it is selected to be reproduced because the identification of the user computer is only initially stored in the virtual CD program when the virtual CD program is executed. Mott does not distinguish, as conceded by the Examiner, that the device ID is stored in a virtual CD program when the program is executed, and Mott does not distinguish that the device ID is compared with a second identification stored in a virtual CD image file when the downloaded virtual CD image file is selected to be reproduced.

The Examiner indicates that Zeng makes up for the deficiencies in Mott. The Applicants respectfully disagree. Zeng discusses that, in response to requests to purchase software, the system will read consumer computer identification numbers (CINs), store the CINs into a database, select the purchased software, embed the protection mechanisms into the purchased software, and distribute the software to consumers. When the protected software is executed on a computer, a CIN reader reads a CIN from the computer, converts the CIN to an encrypted CIN, compares the encrypted authorized CINs with the encrypted read-in CINs, and if a match is made, continues running the protected software.

First, Zeng does not suggest that the CIN is stored into the database when a virtual CD program is executed. The system only stores the consumer CIN into the database in response to a request to purchase software. Zeng discusses that when the protected software is executed on a computer, the protection mechanisms are invoked at the stop points, but Zeng does not suggest that the CINs are stored when the protected software is executed.

Second, Zeng does not discuss storing the CIN that is stored in the protected software in a downloaded virtual CD image file. Further, even incorporating the protected software of Zeng into the authentication system of Mott does not suggest "storing the identification temporarily stored within the virtual CD program in the downloaded virtual CD image file."

Further, Zeng does not make up for the deficiencies with respect to Mott in comparing the CIN stored within the protected software with a second identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced. The Examiner includes no discussion of either Mott or Zeng comparing an ID stored in a virtual CD program with an ID stored in a virtual CD image file when the CD image file is selected to be reproduced.

In addition, the cited motivation of "protect[ing] the content that does not utilize encryption in order to allow a protected, simple, low cost means for copyright protection" is entirely inadequate to suggest combining the features of Mott and Zeng to one of ordinary skill in the art to suggest all the features of claim 1, for example. In particular, knowing that the verifier of Zeng does not require encryption and knowing that this is a simple, low cost means for protection is not a motivation that would suggest, from the disclosures of Mott and Zeng "temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed, storing the identification temporarily stored within the virtual CD program in the downloaded virtual CD image file, and comparing the identification temporarily stored within the virtual CD program with the identification stored in the virtual CD image file when the

downloaded virtual CD image file is selected to be reproduced". The motivation cited by the Examiner is completely inadequate to suggest such features based solely on the disclosures of Mott and Zeng.

Therefore, as the combination of the teachings of Mott and Zeng does not suggest "temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed;...storing the user computer identification temporarily stored within the virtual CD program in the downloaded virtual CD image file; [and] comparing the user computer identification temporarily stored within the virtual CD program with a second identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in independent claim 1, claim 1 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

As to claim 13, the combination of the teachings of Mott and Zeng further does not suggest "a programmed computer processor requiring a virtual CD accessible state tied to a virtual CD image file and the virtual CD device at a downloading time of the virtual CD, and allowing access to the virtual CD image file according to the accessible state, the virtual CD accessible state being accessible when an identification that is temporarily stored within a virtual CD program when the virtual CD program is executed matches a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in amended independent claim 13. Therefore, claim 13 patentably distinguishes over the references relied upon.

Additionally, the combination of the teachings of Mott and Zeng does not suggest "requiring a virtual CD accessible state tied to the virtual CD image file and a downloading virtual CD device downloading the virtual CD image file; and allowing access to the virtual CD image file according to the accessible state, the virtual CD accessible state being accessible when an identification that is temporarily stored within a virtual CD program when the virtual CD program is executed matches a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in amended independent claim 15. Therefore, claim 15 patentably distinguishes over the references relied upon.

Also, the combination of the teachings of Mott and Zeng does not suggest "storing an identification corresponding to the virtual medium device within the virtual medium device when the virtual medium device is executed and storing the identification stored within the virtual

medium device in a downloading authorized virtual medium image file; comparing the identification stored within the virtual medium device with a second identification stored in the virtual medium image file when the downloaded virtual medium image file is selected to be reproduced; and allowing the authorized virtual medium image file to be only driven in the virtual medium device having the identification during the downloading of the virtual medium image file, based on a resulting match from the comparison," as recited in amended independent claim 16. Therefore, claim 16 patentably distinguishes over the references relied upon.

Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 4-6 and 14 depend either directly or indirectly from independent claims 1 and 15 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 14 recites that "the programmed computer processor further maintains an identification corresponding to the downloading virtual CD device, stores the maintained identification in the downloaded virtual CD during the downloading, and in response to an access to the downloaded virtual CD, determines the accessible state according to a match between the maintained identification and the identification of the downloaded virtual CD." Therefore, claims 4-6 and 14 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 5, numbered paragraphs 5 and 6, claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Mott, Zeng, U.S. Patent Pub. No. 2003/0018895 to Morrison and Patent No. 7,035,827 to Ezaki. This rejection is respectfully traversed.

As discussed above with respect to independent claim 1, from which claims 2 and 3 ultimately depend, the combination of Mott and Zeng does not suggest all the features of independent claim 1. Morrison and Ezaki fail to make up for the deficiencies in Mott and Zeng. Therefore, claim 1 patentably distinguishes over the references relied upon. Claims 2 and 3 depend either directly or indirectly from independent claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that "the user downloads the virtual CD image file by driving a file transfer protocol (FTP) module within the virtual CD program." Therefore, claims 2 and 3 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 5, numbered paragraph 7, claims 7 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mott in view of U.S. Patent No. 7,146,508 to Hirano et al. This rejection is respectfully traversed because the combination of Mott and Hirano does not suggest:

> storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed;...
>
> storing the user computer identification stored in the registry of the user computer in the downloaded virtual CD image file; [and]
>
> comparing the user computer identification stored in the registry of the user computer with a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,

as recited in independent claim 7.

In a similar argument to that which was discussed above, Mott does not discuss or suggest "storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed; accessing a server supplying a predetermined virtual CD image file through the user computer; allowing the user to download the virtual CD image file supplied from the sever into the user computer; [and] comparing the identification stored in the registry of the user computer with the identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in independent claim 7. Hirano fails to make up for the deficiencies in Mott. Specifically, Hirano does not discuss or suggest that an identification of a user computer is stored in a predetermined register when a virtual CD program is installed, and Hirano does not discuss or suggest that the identification stored in the registry of the user computer is compared with a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced.

Therefore, as the combination of Mott and Hirano does not suggest "storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed;...storing the user computer identification stored in the registry of the user computer in the downloaded virtual CD image file; [and] comparing the user computer identification stored in the registry of the user computer with a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in independent claim

7, claim 7 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 10-12 depend either directly or indirectly from independent claim 7 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 11 recites that "the allowing of the user to download the virtual CD image file comprises requesting the user to enter an authentication number to determine whether the user is authorized to use the virtual CD image file when downloading the virtual CD image file." Therefore, claims 10-12 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 6 and 7, numbered paragraphs 8 and 9, claims 8 and 9 rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Mott, Hirano, Morrison and Ezaki. This rejection is respectfully traversed.

As discussed above with respect to independent claim 7, from which claims 8 and 9 ultimately depend, the combination of Mott and Hirano does not suggest all the features of independent claim 7. Morrison and Ezaki fail to make up for the deficiencies in Mott and Hirano. Therefore, claim 7 patentably distinguishes over the references relied upon. Claims 8 and 9 depend either directly or indirectly from independent claim 7 and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 8 recites that "the identification stored in the registry is read from a CMOS-RAM of the user computer." Therefore, claims 8 and 9 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

**Conclusion**

In accordance with the foregoing, claims 1, 7, 13, 15 and 16 have been amended. Claims 1-16 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

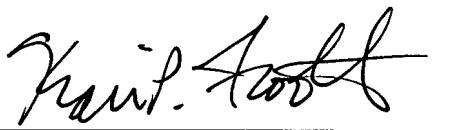
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 27, 2007

By: 

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